

It is noted that the references previously cited and responded to in the amendment filed November 4, 1996, are no longer relied upon by the Examiner.

- I -

The Examiner has questioned use of a term "at about the time." It should be noted, however, that the full phrase is "at about the time of the transaction." It is submitted that this is clear and indicates that the step of transmittal of data takes place substantially contemporaneously with the financial transaction or, in the words of the claim, at about the time the transaction takes place. When the full phrase is considered, there is no uncertainty or indefiniteness in the claim language.

The Examiner also questions whether the other steps in the claim are meant to be performed on a computer. Desirably, the steps are performed electronically, including by computer, but in theory they could be performed in another fashion. It is submitted, therefore, that the claim language is clear. Nevertheless, the practical performance of the steps is by electronic transmission, and the applicant would be willing to make such an amendment if the Examiner deems it necessary for clarity and allowance of the claim.

- II -

The Examiner has raised several grounds of rejection under § 112. The term "standardized codes" means that the Code is a standard one. The standard might be a government standard, or it might be an industry standard, or it might be a standard agreed upon solely between the parties to the transaction. The point of the claim is that the coding is standardized by someone and that it is used by the parties to the transaction with that understanding.

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Claim 18 has been cancelled to obviate the Examiner's rejection of that claim under § 112.

- III -

The sole ground of rejection on the art is the report of the Kniffen interview attached to the Office Action. Kniffen, however, totally fails to meet the requirements of the claims. Reduced to simplest terms, Kniffen is directed to electronic transmission of data. Kniffen fails, however, to take the steps necessary to develop an accounting statement in a desired format.

The nature of what is disclosed by Kniffen is indicated by reference to various statements in the Kniffen interview. The premise of the interview is that

" . . . The Budd Co. . . . has been an active player in financial electronic data interchange." (P1, Abstract, lines 2-4.)

\* \* \*

"Budd started by transmitting Advance Ship-ment Notifications . . . our customers started sending weekly build schedule releases to Budd." (P2, lines 8-12.)

\* \* \*

"In addition to sending data, General Motors pays us via electronic funds transfer." (P2, lines 26-29.)

\* \* \*

"The most beneficial and acceptable financial transactions include electronic invoicing and payment remittance detail." (P6, lines 6-8.)

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The foregoing quotations make clear that the conception of an automated accounting system is not presented by Kniffen.

The interview states the major benefits of the program as envisioned by Mr. Kniffen (pp. 2-3). These "major benefits" include such things as "fewer data input errors," "improved cash availability and predictability," "substantial reduction in manual/clerical workload," "elimination of many hard copy documents," "timely updating of financial database files," and "improved relationship with customers." None of this suggests the system which is proposed, described and claimed by the applicant. There is no indication that payments or data transmitted are categorized, including changes in inventory; the payments reflect only current period transactions without any suggestion that they are coded; there is no indication of handling of user transactions such as credit cards, checks, debit cards, investment accounts, ATM, etc.; there is no suggestion of income tax calculation. All of these things are doable with the applicant's system.

The total silence of Kniffen in these areas can only lead to the conclusion that Kniffen had no conception extending beyond what is actually stated, namely, electronic transmission of data. That, of course, has been commonplace for some years as exemplified by credit card charges at retail establishments where data is transmitted from a terminal by a swipe of the card and/or manual input.

In summary, Kniffen fails to show the conception which is claimed by the applicant and nothing within Kniffen suggests the applicant's method. Obviousness can only come from the applicant's disclosure, which is not a proper basis for rejection of the claims.

It is submitted that the claims define patentable subject matter, that the references do not anticipate or make the claims obvious, and that substantively the application is in condition for allowance.

It is requested that the requirement for drawing correction be deferred pending issue of a notice of allowance.

Reconsideration and allowance are requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Walter J. Blenko, Jr.", written in dark ink.

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